

**REMARKS**

Claims 1-3, 6-9, 18, 19, 21 and 22 are pending. By this amendment claims 4, 5, 16, 17 and 20 are canceled. Claims 1, 6 and 7 have been amended. No new matter has been added.

Claims 1, 2, 4, 7, 8, 20 and 22 are rejected under 35 USC 102(b) as being anticipated by Kazumasa, corresponding to JP2002-026450. This rejection is respectfully traversed.

Claim 1 has been amended to incorporate the limitations of claims 4 and 5. Claim 1 now recites that "the impurity atoms having the second conductivity, contained in the second clad layer of the second conductivity type in the area near a laser resonator end face and the laser resonator inner area, are II-group atoms that have an atomic number smaller than the atomic number of P." Although the Examiner rejected claim 5 under 35 USC 103(a) as being unpatentable over Kazumasa and Paoli, U.S. Patent No. 5,140,605, the Examiner failed to set forth where this feature is taught in either reference. The Examiner merely asserted that Paoli teaches that the impurity doping atoms are Beryllium. Applicants submit that neither Kazumasa nor Paoli teach or suggest that the impurity atoms are II-group atoms that have an atomic number smaller than the atomic number of P. Thus, the features of claim 1 are not taught or suggested by the cited art, either alone or in combination.

The remaining claims are allowable at least due to their respective dependencies. Applicants request that this rejection be withdrawn.

Claims 1, 2 and 9 are rejected under 35 USC 102(b) as being anticipated by Kiyohisa, JP 09-326526. This rejection is respectfully traversed.

Claim 1 has been amended as discussed above. Since Kiyohisa also fails to teach or suggest that the impurity atoms are II-group atoms that have an atomic number smaller than the atomic number of P, this rejection should be withdrawn.

Claims 3, 16 and 19 are rejected under 35 USC 103(a) as being unpatentable over Kazumasa, in view of Ueno, EP 0437243 A2. This rejection is respectfully traversed.

Claims 3 and 19 depend, at least indirectly, from claim 1. Since Kazumasa fails to teach or suggest the features of claim 1, and Ueno likewise fails to teach or suggest this feature, this rejection should be withdrawn.

Claims 5, 6, 17, 18 and 21 are rejected under 35 USC 103(a) as being unpatentable over Kazumasa in view of Paoli, U.S. Patent No. 5,140,605. This rejection is respectfully traversed.

Claims 6, 18 and 21 depend, at least in directly, from claim 1 and are therefore allowable for the reasons set forth above. Applicants request that this rejection be withdrawn.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 204552031400.

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